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Zabell & Collotta, P.C.
1 Corporate Drive
Suite 103
Bohemia, New York 11716
Tel. 631-589-7242
Fax. 631-563-7475
www.Laborlawsny.com

Saul D. Zabell, Esq.
Email: SZabell@laborlawsny.com

October 26, 2020

VIA ELECTRONIC CASE FILING

The Honorable Gary R. Brown
United States District Court Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: **Piccolo v. Top Shelf Provisions, et al.**
16-CV-06930 (GRB)

Your Honor:

This firm is counsel to Louis Piccolo, Plaintiff, and John Sudlow, Opt-In Plaintiff (collectively "Plaintiffs"), in the above-referenced action. We write in connection with the Court's Order of October 26, 2020 regarding Plaintiff's Motion for Attorneys' Fees. We ask that the Court consider Plaintiff's August 10, 2020 Notice of Motion and documentary support, including but not limited to his Memorandum of Law in Support, as unopposed.

Plaintiff served Defendants with a Notice of Motion and Supporting Memorandum of Law on August 10, 2020. Plaintiff's Memorandum of Law in Support is eight (8) pages, well within the page limits set forth in the Court's Individual Rules of Practice. On September 24, 2020, and after receiving a two (2) week extension of time, Defendants served Plaintiff with their opposition to Plaintiff's Motion, which included a twenty-four (24) page Memorandum of Law. Defendants failed to seek leave of the Court, or confer with Plaintiff, before serving their non-conforming Memorandum of Law. Plaintiff's Reply Memorandum of Law, admittedly, exceeds the ten (10) page limitation. Plaintiff's lengthy Reply Memorandum of Law was necessary to sufficiently address each issue raised in Defendants' non-confirming Memorandum of Law. We also respectfully note that Plaintiff's combined Memorandums of Law are a combined twenty-four (24) pages, less than the thirty (30) pages contemplated by the Court's Individual Rules of Practice.

Accordingly, we respectfully request that the Court permit Plaintiff to file his Motion served on August 10, 2020 as unopposed. Plaintiff's Motion was made in

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accordance with the Court's Individual Rules of Practice. Plaintiff should not be adversely impacted by Defendants' failure to serve a conforming response.

Counsel remains available should Your Honor require additional information in connection with this submission.

Respectfully submitted,

ZABELL & COLLOTTA, P.C.

Saul D. Zabell

cc: Client
All Counsel (Via Electronic Case Filing)